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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/618,615   | 07/15/2003  | Yasuro Kikuchi       | 740145-267          | 5365             |
| 22204  | 7590        | 09/07/2005           | EXAMINER            |                  |
| NIXON PEABODY, LLP<br>401 9TH STREET, NW<br>SUITE 900<br>WASHINGTON, DC 20004-2128 |             |                      | COLON, GERMAN       |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2879                |                  |

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/618,615 | <b>Applicant(s)</b><br>KIKUCHI ET AL. |  |
|                              | <b>Examiner</b><br>German Colón      | <b>Art Unit</b><br>2879               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,9 and 12 is/are rejected.
- 7) ☒ Claim(s) 2,4,7,8,10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. The Amendment, filed on June 23, 2005, has been entered and acknowledged by the Examiner.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5-6, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ono et al. (US 2001/0038267)

Regarding claim 1, Ono discloses a high pressure rare gas (see paragraph [0039], line 3) short arc discharge lamp (see Figs. 2 and 3) which includes a discharge space 8 surrounded by an arc tube 1 and in which, within the arc tube, a first electrode 50 is positioned at a distance from a second opposed electrode 55 (see Fig. 2 in view of Fig. 3), comprising,

at least one conductive component 52 having a tip projecting into the discharge space and having an electrical potential which is identical to an electrical potential applied to the first electrode,

wherein the first electrode is connected to a high voltage generator for receiving a high voltage therefrom (see Figs. 8 and 14; and Page 7, paragraph [0106]), and

wherein the tip is at a distance from the second electrode which is greater than the distance between the first and second electrode.

The Examiner notes that while Ono discloses the electrode structure of Fig. 2 not to be a preferred embodiment, the reference still anticipates the claimed invention.

Regarding claim 3, Ono discloses the tip of the conductive component being in close proximity to an inside wall of the arc tube without contacting the inside wall (see Fig. 2 in view of Fig. 3).

Regarding claim 5, Ono discloses the conductive component **52** being connected to an upholding part of the first electrode (see Fig. 2).

Regarding claim 6, Ono discloses the conductive component **52** being connected to the first electrode (see Fig. 2).

Referring to claim 9, Ono discloses the conductive component **52** having a smaller diameter than a diameter of first or the second electrodes (see Fig. 2).

Referring to claim 12, Ono discloses the high pressure arc discharge lamp comprising a concave reflector **12** (see Fig. 4) having a neck portion; and wherein a hermetically sealed portion of the short arc discharge lamp is located in the neck portion of the concave reflector (see Fig. 4, region surrounding reference **10**).

#### *Allowable Subject Matter*

4. Claims 2, 4, 7-8 and 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

The claims are allowable for the reasons given in the Office Action mailed 12/23/2004.

***Response to Arguments***

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Prior Art of Record***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Roberts (US 4,599,540) and Kim (US 3,611,015) disclose a short act lamp comprising a conductive component 46 having a tip.

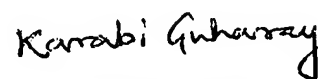
***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to German Colón whose telephone number is 571-272-2451. The examiner can normally be reached on Monday thru Thursday, from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
gc

  
**KARABI GUHARAY**  
**PRIMARY EXAMINER**